



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,777	07/29/2005	Marcus Steen	00009-007	5856
44012	7590	05/30/2007	EXAMINER	
WRB-IP LLP			LE, DAVID D	
1217 KING STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			3681	
		MAIL DATE	DELIVERY MODE	
		05/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/526,777	STEEN ET AL.
	Examiner David D. Le	Art Unit 3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 May 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 March 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This is the third Office action on the merits of Application No. 10/526,777, filed 29 July 2005. Claims 1-7 are pending.

### **Documents**

2. The following documents have been received and filed as part of the patent application:
- Information Disclosure Statement, received on 03/08/05
  - Declaration and Power of Attorney, received on 07/29/05
  - Copy of the Certified Copy of Foreign Priority Document, received on 03/08/05

### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 May 2007 has been entered.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/92049 A1 (WO'049).**

Claims 1-7:

WO'049 (Figs. 1-2; pages 1-9) discloses a gearbox (i.e., Fig. 2, element 9) comprising:

- An unsynchronized basic gearbox (i.e., Fig. 2, being combination of elements 15, 17-26, 28-30, and 41-43);
- A synchronized split gear section (i.e., Fig. 2, being combination of elements 12-17 and 40);
- A synchronized range section (i.e., Fig. 2, vicinity of element 32);
- An electronic control unit (i.e., Fig. 1, element 45);
- An electronic gear selector (i.e., Fig. 1, element 46);
- Wherein the control unit controls engagement and disengagement of the gearbox (i.e., page 5, line 17 – page 7, line 3);
- Wherein the control unit is arranged so as, when input signals indicating that neutral position is selected are received, to put the at least one of the synchronized split gear section and range section in neutral position such that gear reengagement can be secured if an engine of the motor vehicle stops while the unsynchronized gears are in the basic gearbox neutral position (i.e., page 5, line 16 – page 6, line 27; condition where the engine stops and the vehicle is stationary);

- Wherein the control unit is arranged so as in the basic gearbox, a previous selected gear engaged while the neutral position of the auxiliary gear occupied (i.e., page 5, line 16 – page 6, line 27);
- Wherein the control unit is arranged to engage a stage of the at least one synchronized auxiliary gear when all unsynchronized gears of the basic gearbox are in the basic gearbox neutral position and an engine with which the gearbox is associated stops (i.e., page 5, line 16 – page 6, line 27).

***Response to Arguments***

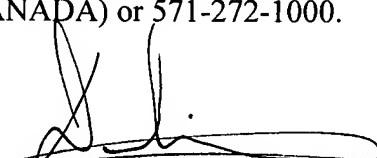
6. Applicant's arguments filed on 24 May 2007 have been fully considered but they are not persuasive for the reason that the present claim 1 does not specifically require the condition where the engine stops during driving at a speed other than zero. As set forth above, it is inherent that, when the vehicle is stationary and the engine is not operating, the control unit allows operator to manually reengage a gear for the purpose of, for example, preventing the vehicle from moving during the period of unattended parking.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David D. Le  
Primary Examiner  
Art Unit 3681  
05/28/07

ddl